

REMARKS

Claims 35-64 have been amended and new claims 66-67 are added. Claim 65 has been cancelled. No new matter has been added by virtue of the amendments; support for these amendments is found throughout the application as filed. With reference to amended claim 35 and new claim 66, support can be found at least at pages 9-11 and Figures 1-3. Support for new claim 67 can be found in original claim 65 (now cancelled) and Figure 6. Beyond that, the amendments to claims 36-65 are presented in large part to remove various reference numerals from the claims.

The undersigned Attorneys thank the Examiner for the helpful telephonic interview conducted on June 30, 2009. As stated in the Interview Summary dated July 1, 2009, it was suggested that the claims be amended to better define certain features of the invention. While no firm agreement was reached as to the allowability of the claims, it was agreed that the proposed amendments to claim 35 would likely overcome the art cited.

It is believed that the Amendment filed on May 4, 2009, overcame the rejection under 35 USC §112, 2nd paragraph and objection 37 CFR §1.75(c). Thus, no further discussion of those issues is provided herein.

The outstanding rejections are discussed in combination for the sake of brevity.

Claims 35-38, 51-55 and 58 stand rejected under 35 USC §103(a) over Kiat et al. (US 6,250,318), in view of Silvernail et al. (US 4,691,722), further in view of Johnson (US 5,334,352).

Claims 42-43, 48-50 and 58-65 stand rejected under 35 USC §103(a) over Kiat et al. (US 6,250,318), in view of Silvernail et al. (US 4,691,722), further in view of Johnson (US 5,334,352), further in view of Di Corpo (US 3,212,719).

Claims 44-46 stand rejected under 35 USC §103(a) over Kiat et al. (US 6,250,318), in view of Silvernail et al. (US 4,691,722), further in view of Johnson (US 5,334,352), further in view of Zimmer et al. (US 4,550,681).

Claim 47 stands rejected under 35 USC §103(a) over Kiat et al. (US 6,250,318), in view of Silvernail et al. (US 4,691,722), further in view of Johnson (US 5,334,352), further in view of Morine et al. (US 4,747,541).

Claims 40 and 56-58 stand rejected under 35 USC §103(a) over Kiat et al. (US 6,250,318), in view of Silvernail et al. (US 4,691,722), further in view of Johnson (US 5,334,352), further in view of Han et al. (US 5,850,841).

Each of the rejections is traversed. The noted references, even in the stated combinations, fail to teach or suggest the features of the present invention as those features are recited in the newly amended claims.

The features of the present invention are recited in independent claim 35. A detailed description of the invention was provided in the Amendment filed on May 4, 2009. Additionally, independent claim 35 has been newly amended to clarify and further define the features of the invention. In particular, Applicant has clarified the feature of the invention whereby an inner cross-section of the fluid channel reduces moving away from the fluid feed opening. Also, the insert's structure and configuration as well as its relationship with the housing have all been qualified. Each of these features are amply described in the specification and in Figures 1-3.

Primary reference Kiat fails to teach or suggest the features of the present invention as recited in amended claim 35. In particular, Kiat fails to disclose a longitudinal insert in accordance with the present invention that has a plurality of

distribution openings spaced from one another in the longitudinal direction thereof, as recited for in present independent claim 35. Additionally, Kiat fails to disclose a nozzle arrangement having an insert in accordance with the present invention which adjoins the housing such that the plurality of distribution openings are in fluid communication with at least one fluid delivery opening.

The remaining references fail to remedy the deficiencies of Kiat. Silvernail is relied upon for its *alleged* teachings of a plastic housing and stiffening member (Office Action at pages 6-7). Johnson is added for its *alleged* report of a longitudinal insert in which a plurality of distribution openings are spaced from one another (Office Action at pages 7-8). Likewise, Di Corpo, Zimmer, Morine and Han are added for their *alleged* teachings relative to other discrete features of the invention. (Office Action at pages 12, 17, 18-19 and 20.

The deficiencies of each of the secondary references were addressed in the Amendment filed on May 4, 2009. That discussion is incorporated herein by reference. With entry of the proposed amendments, Applicant has further defined the features of the present invention and overcome the Kiat reference. Despite the alleged teachings of Silvernail, Johnson and the other secondary references, they are all insufficient to cure the deficiencies of the primary reference Kiat.

In view thereof, it is respectfully submitted that the rejections under 35 USC §103(a) cannot properly be sustained. For all of the foregoing reasons, the obviousness rejections are properly withdrawn.

Newly added claim 66 (directed to the preferred embodiments illustrated in Figures 2-3) is likewise distinct from the art cited. In particular, the cited art - even in combination - fails to teach or suggest the nozzle arrangement recited in claim 66 comprising an insert which contacts (e.g., adjoins) with an interior wall of the housing,

the insert defining a plurality of transverse distribution openings spaced from one another in a longitudinal direction such that the distribution openings are aligned with at least one fluid delivery outlet and wherein the insert is wedge-shaped with a relatively narrow end near the proximal end.

Newly added claim 67 (directed to the preferred embodiment illustrated in Figure 6) also is distinct from the art cited. In particular, the cited art - even in combination - fails to teach or suggest the nozzle arrangement recited in claim 67 comprising two inserts which together define the fluid channel. The first insert is wedge shaped and as it increases in thickness moving away from the fluid feed opening of the housing, the fluid channel reduces. A second insert has a constant thickness in the longitudinal direction of the housing, and is arranged such that a plurality of distribution openings spaced from one another in the longitudinal direction is formed. The second insert is arranged and extends within the housing such that the plurality of distribution openings are in fluid communication with at least one fluid delivery opening via the distribution openings, in order to feed the treatment fluid from the fluid channel via the distribution openings to the at least one fluid delivery opening.

Favorable consideration of these newly presented claims is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

FEE AUTHORIZATION

Should any fees be asserted, the Commissioner is authorized to charge such fees (or credit any overpayment) to Deposit Account No. 04-1105, Reference No. 63265(45107).

Application No. 10/536,624
Amendment dated July 27, 2009
Supplemental Reply to Office Action of February 4, 2009

14

Docket No.: 63265(45107)

Dated: July 27, 2009

Respectfully submitted,

Electronic signature: /Christine C. O'Day/
Christine C. O'Day
Registration No.: 38,256
George N. Chaclas
Registration No.: 46,608
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5558
Attorneys/Agents For Applicant